IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4535 of 1994
Date of Decision: 17.1.2007

Devi Lal ...Petitioner

Versus

Jagdish ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: None for the petitioner.
Shri Naresh Katyal, Advocate, for the respondent.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Executing Court on 29.3.1994, whereby the objections filed by the Judgment Debtor were dismissed and the order passed in review application on 12.11.1994.

In execution of a decree for recovery of Rs.2000/- in favour of Badri Ram, the land measuring 4 kanals was put to auction on 6.11.1987. One Jagdish was found to be the highest bidder, who deposited 1/4th of the amount at the time of auction. The balance amount was to be paid upto 21.11.1987. The auction purchaser moved an application for extension of time for depositing the balance amount. The learned Executing Court extended time upto 24.11.1987. The amount was deposited and thereafter, the sale was confirmed.

The Judgment Debtor has sought the withdrawal of the remaining amount after adjusting the amount of decree on 19.7.1988.

The same was allowed by the learned Executing Court. Thereafter, the auction purchaser moved an application for issuance of sale certificate on 24.7.1993. At this stage, objections were filed by the Judgment Debtor to the effect that the balance sale consideration has not been deposited within a period of 15 days. The learned Executing Court dismissed the objections on the ground that such objections have been filed on 20.11.1993, whereas the Judgment Debtor could seek the setting aside of the same only upto 6.11.1990. The said order was challenged by the Judgment Debtor by way of a revision petition before this Court but the same was dismissed on 3.8.1994 in view of the fact that an application for review was filed by the petitioner in the meantime. An opportunity was given to the petitioner to file a fresh petition after the disposal of the review petition. The learned Executing Court has dismissed the review petition on 12.11.1994. It has been found that the sale was confirmed on 10.6.1988, after the auction purchaser deposited the sale consideration of Rs.875/- on the spot and the balance of Rs.2625/- on 24.11.1987.

In view the above, it is evident that the Judgment Debtor has sought to dispute the auction after more than 5 years of the confirmation of the sale. The Executing Court has extended time for the auction purchaser to deposit the balance sale consideration. The balance auction amount has been deposited within the time granted. Therefore, the Judgment Debtor can not object to the issuance of the sale certificate. The Judgment Debtor was to raise objections before the confirmation of sale and not at the time of issuance of sale certificate.

Therefore, I do not find any patent illegality or irregularity in the order passed by the learned Executing Court on 29.3.1994

as well as the order in review on 12.11.1994, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

17-01-2007 (HEMANT GUPTA)
ds JUDGE